

AMENDMENT TO THE CLAIMS

1. (Currently amended) An ~~electret condenser~~ MEMS device, comprising:
a first film including a first electrode;
a second film including a second electrode ~~and an electret film~~;
a first insulating film formed between the first film and the second film; and
an air gap formed by removing part of the first insulating film,
wherein ~~respective parts of the first film and the second film exposed in the air gap are~~
~~formed of a second insulating film~~
a second insulating film is formed on part of the first film facing the air gap, and
a third insulating film is formed on part of the second film facing the air gap.
2. (Currently amended) The ~~electret condenser~~ MEMS device of Claim 1,
wherein at least one of the first ~~film and the second film~~ electrode and the second
electrode has a through hole communicating with the air gap.
3. (Currently amended) The ~~electret condenser~~ MEMS device of Claim 1,
wherein the second insulating film ~~is an insulating film~~ and the third insulating film are
insulating films having tensile stress.
4. (Currently amended) The ~~electret condenser~~ MEMS device of Claim 1,
wherein the second insulating film ~~is a silicon nitride film~~ and the third insulating film
are silicon nitride films.

5. (Currently amended) The ~~electret condenser~~ MEMS device of Claim 1,
wherein the first insulating film is a lamination layer of a plurality of insulating films
made of the same material.
6. (Currently amended) The ~~electret condenser~~ MEMS device of Claim 1,
wherein the first film is a fixed film, and the second film is a vibrating film.
7. (New) The MEMS device of Claim 1,
wherein the second insulating film is formed so that the first electrode does not come into
contact with the air gap, and
the third insulating film is formed so that the second electrode does not come into contact
with the air gap.
8. (New) The MEMS device of Claim 1,
wherein the thickness of the air gap is determined substantially by the thickness of the
first insulating film.
9. (New) The MEMS device of Claim 1,
wherein one of the first film and the second film further includes an electret film.
10. (New) The MEMS device of Claim 1,
wherein one of the first film and the second film vibrates upon receipt of sound pressure.